

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

APRIL DAWN SHAW,

Plaintiff,

v.

ACTION NO. 2:15cv432

CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration,

Defendant.

FINAL ORDER

Plaintiff, April Dawn Shaw, seeks judicial review of a decision by the Commissioner of the Social Security Administration ("Commissioner") denying her claim for Disability Insurance Benefits under Title II and Supplemental Security Income under Title XVI of the Social Security Act. Specifically Plaintiff claims that the Administrative Law Judge ("ALJ")'s Residual Functional Capacity determination failed to account for the effects of her mental impairments, and the ALJ relied on testimony from the vocational expert that did not fairly account for her impairments.

This matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation of the

Magistrate Judge was filed on September 28, 2016, recommending that the district court vacate the decision of the Commissioner and remand the case to the Social Security Administration for further proceedings.

By copy of the Report and Recommendation, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. No objections have been filed.

Following a de novo review of the Magistrate Judge's Report and Recommendation, and given the fact that no objections have been filed thereto, the Court **ADOPTS** the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed on September 28, 2016. Therefore, Defendant's Motion for Summary Judgment (ECF No. 14) is **DENIED**; Plaintiff's Motion for Summary Judgment (ECF No. 9) is **GRANTED IN PART AND DENIED IN PART**. Accordingly, the Commissioner's ruling is **VACATED** and the case is **REMANDED** for further proceedings.

The parties are ADVISED that they may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within sixty (60) days from the date of this Final Order.

The Clerk shall forward a copy of this Final Order to counsel for the parties.

/s/ 

Mark S. Davis
United States District Judge

Norfolk, Virginia

November 3, 2016